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## **MINUTES OF COUNCIL REGULAR MEETING – AUGUST 19, 2008**

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, AUGUST 19, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR PRO TEM BROOKS.

### **THE FOLLOWING MEMBERS WERE PRESENT:**

Russ Brooks  
Carolynn Burt  
Joel Coleman  
Corey Rushton  
Mike Winder

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

**ABSENT:** Dennis J. Nordfelt  
Steve Vincent

### **STAFF PRESENT:**

Paul Isaac, Assistant City Manager  
Richard Catten, City Attorney  
Kevin Astill, Parks and Recreation Director  
Jim Welch, Finance Director  
John Evans, Fire Chief  
Joseph Moore, CED Director  
Layne Morris, Community Preservation Director  
Russell Willardson, Public Works Director  
Mike Wells, Acting Police Chief  
Aaron Crim, Administration  
Craig Thomas, Administration  
Russ Bailey, Public Works Department

### **14165 OPENING CEREMONY**

The Opening Ceremony was conducted by Mike Winder who read a letter from a citizen who attended the public hearing on August 12, 2008, regarding a proposed tax increase. Mr. Winder expressed appreciation to City Manager, Wayne Pyle, and staff for the information presented prior to that hearing. He also expressed appreciation to all citizens who participated in that process.

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14166      **APPROVAL OF MINUTES OF REGULAR MEETING HELD JULY 22, 2008**

The City Council read and considered the Minutes of the Regular Meeting held July 22, 2008. There were no changes, corrections and deletions.

After discussion, Councilmember Coleman moved to approve the Minutes of the Regular Meeting held July 22, 2008, as written. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Pro Tem Brooks	Yes

Unanimous.

14167      **PROCLAMATION DECLARING AUGUST 20, 2008, AS “HONOR PEACE DAY” IN WEST VALLEY CITY**

Councilmember Burt read a Proclamation declaring August 20, 2008, as “Honor Peace Day” in West Valley City.

14168      **COMMENT PERIOD**

Upon inquiry by Mayor Pro Tem Brooks, the following individual addressed the City Council during the Comment Period:

Andre Tapia addressed the City Council and stated he was the president of a soccer league with 90 teams playing in that organization. Mr. Tapia also stated he desired to let the Council know they had used Centennial Park for several years. He indicated there had been problems with some of the neighbors and had been told by City staff they might have to find another location. He further indicated their programs kept youth out of trouble and more green space was needed to play soccer in the City. He advised that his teams played on Saturday and Sunday and they also needed a place to practice.

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**PUBLIC HEARING, APPLICATION NO. ZT-8-2008, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT AMENDMENT TO THE CONDITIONAL USE ORDINANCE, CHAPTER 7-7 OF THE WEST VALLEY CITY MUNICIPAL CODE**

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. ZT-8-2008, filed by West Valley City, requesting a zone text amendment to the Conditional Use Ordinance, Chapter 7-7 of the West Valley City Municipal Code. He discussed proposed Ordinance No. 08-38 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 08-38 which would amend Chapter 7-7 of Title 7 of the West Valley City Municipal Code regarding conditional uses.

Mr. Pyle stated in order to comply with State law it had become necessary to amend the subject ordinance.

Mayor Pro Tem Brooks opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Pro Tem Brooks closed the public hearing.

**ACTION: ORDINANCE NO. 08-38, AN ORDINANCE AMENDING CHAPTER 7-7 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING CONDITIONAL USES**

The City Council previously held a public hearing regarding Application No. ZT-8-2008 and proposed Ordinance No. 08-38 which would amend Chapter 7-7 of Title 7 of the West Valley City Municipal Code regarding conditional uses.

After discussion, Councilmember Winder moved to approve Ordinance No. 08-38, an Ordinance Amending Chapter 7-7 of Title 7 of the West Valley City Municipal Code Regarding Conditional Uses. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Pro Tem Brooks	Yes

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Unanimous.

14170

### **RESOLUTION NO. 08-220, APPROVE AGREEMENT WITH JENSEN & KEDDINGTON, P.C. TO PROVIDE AUDITING SERVICES TO WEST VALLEY CITY**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-220 which would approve an Agreement with Jensen & Keddington, P.C. in the amount of \$74,160.00 to provide auditing services to West Valley City.

Mr. Pyle stated the City was required by law to engage an independent audit firm to audit the City's financial operations. He further stated Jensen & Keddington auditors had demonstrated experience and proficiency in municipal audits and knowledge of City operations. He stated the audit would be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained the Government Auditing Standards, issued by the Comptroller General of the United States.

After discussion, Councilmember Coleman moved to approve Resolution No. 08-220, a Resolution Authorizing the Execution of an Agreement between West Valley City and Jensen & Keddington, P.C. to Provide Auditing Services to West Valley City. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Pro Tem Brooks	Yes

Unanimous.

14171

### **RESOLUTION NO. 08-221, AUTHORIZE THE CITY TO PURCHASE DIVIDER PANELS FROM ALDER SALES CORP. FOR USE IN THE GALLERY AT THE UTAH CULTURAL CELEBRATION CENTER**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-221 which would authorize the City to purchase divider panels from Alder Sales Corp. in an amount not to exceed \$87,334.00 for use in the gallery at the Utah Cultural Celebration Center.

Mr. Pyle stated the existing gallery did not have the capability of various formats for gallery settings. He also stated in order to provide different setups, divider

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panels were essential to make the gallery more versatile. He indicated the divider panels could also make the gallery accessible to the patio which was now blocked by the permanent wall.

The City Manager reported bids had been solicited through advertisement and three companies submitted as follows: 1) Alder Sales Corp.: \$87,334.00; 2) B & B Specialties: \$127,960.00; and 3) Pioneer Specialties: No Bid.

After discussion, Councilmember Burt moved to approve Resolution No. 08-221, a Resolution Authorizing the City to Purchase Divider Panels from Alder Sales Corp. for use in the Gallery at the Utah Cultural Celebration Center (UCCC). Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Pro Tem Brooks	Yes

Unanimous.

14172

### **RESOLUTION NO. 08-222, ACCEPT A WARRANTY DEED FROM 2264 SOUTH TECHNOLOGY DRIVE, LLC FOR PROPERTY LOCATED AT 2274 SOUTH TECHNOLOGY DRIVE**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-222 which would accept a Warranty Deed from 2264 South Technology Drive, LLC, for property located at 2274 South Technology Drive.

Mr. Pyle stated the LLC was the owner of the property for the new Ace Disposal site. He indicated Ace Disposal was relocating its operations to a new 9.45-acre site. As a condition of approval, dedication of additional right-of-way on Technology Drive was required. He stated the current 50-foot right-of-way (25-foot half width) did not include sidewalk. He stated to accommodate the required five foot wide sidewalk on the west side of Technology Drive, dedication of additional right-of-way had been required as condition of approval for a building permit.

After discussion, Councilmember Coleman moved to approve Resolution No. 08-222 which would accept a Warranty Deed from 2264 South Technology Drive,

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LLC for Property Located at 2274 South Technology Drive. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Pro Tem Brooks	Yes

Unanimous.

14173

### **RESOLUTION NO. 08-223, APPROVE DEVELOPMENT AGREEMENT WITH FLORENTINO A. LOPEZ FOR APPROXIMATELY 0.24 ACRES OF REAL PROPERTY BEING DEVELOPED IN THE VICINITY OF 5187 WEST 3500 SOUTH (APPLICATION NO. GPZ-2-2008)**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-223 which would approve a Development Agreement with Florentino A. Lopez for approximately 0.24 acres of real property being developed in the vicinity of 5187 West 3500 South (Application No. GPZ-2-2008).

Mr. Pyle stated that on May 27, 2008, the Council approved a General Plan/zone change (GPZ-2-2008) which changed the zoning from 'A' (Agriculture) to 'RB' (Residential Business) at the subject property location. He indicated the applicant intended to convert the existing home on the property to an insurance office. He advised that as part of the motion for approval, the Council required the zone change be contingent on a development agreement.

The City Manager indicated after reviewing the recording of the public hearing, it seemed the primary concern to be addressed in the development agreement was the fencing along the south and east sides of the property. He indicated the proposed development agreement required a six-foot tall fence be installed along the south and east sides of the property. The material of the fence must be concrete, masonry, or trex.

After discussion, Councilmember Burt moved to approve Resolution No. 08-223, a Resolution Authorizing the City to enter into a Development Agreement with Florentino Al Lopez for Approximately 0.24 Acres of Real Property Being Developed in the Vicinity of 5187 West 3500 South. Councilmember Winder seconded the motion.

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A roll call vote was taken:

Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Pro Tem Brooks	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, AUGUST 19, 2008, WAS ADJOURNED AT 6:51 P.M., BY MAYOR PRO TEM BROOKS.

I hereby certify that the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, August 19, 2008.

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Sheri McKendrick, MMC  
City Recorder

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